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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,371	11/21/2003	Yin L. Liong	08212/1200285-US1	3587
38879	7590	05/30/2006	EXAMINER	
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NEW YORK, NY 10150-6257			ART UNIT	PAPER NUMBER

2141

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,371	<b>Applicant(s)</b> LIONG ET AL.	
	<b>Examiner</b> Kristie Shingles	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

*Per Applicant's Request for Continued Examination:*

*Claims 5, 11, 14 and 21 have been amended.*

*Claims 1-27 are pending.*

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 5, 11, 14 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Basso et al* (US Publication 2003/0231640) in view of *Shanumgam et al* (US 7,032,022).

a. **Per claim 21**, *Basso et al* teach the method for configuring Diffserv over MPLS in a network, comprising:

- defining a mapping policy configured to map between an EXP field and a unique PHB (paragraphs 0006, 0009-0012, 0015; provision for routing policies mapped between EXP fields and a PHB);
- defining a network policy that is configured to define the Diffserv treatment of aggregated traffic (paragraphs 0023, 0025; provision for network Diffserv policies);
- translating the mapping policy and the network policy into device-specific commands (paragraphs 0029-0032, 0042)
- deploying the device-specific commands to policy targets, wherein each policy target comprises a network device that includes an interface assigned a role name associated with the policies (paragraphs 0028-0032, 0042).

*Basso et al* teach governing different traffic streams with different levels of service (Figure 3, paragraphs 0004, 0005, 0028), yet fail to explicitly teach a customer policy. However, *Shanumgam et al* teach a policy server, network policies, customer policies defined by the administration policies and translating the mapping policy, network policy and the customer policy into device-specific commands (col.4 lines 13-32, col.5 line 21-col.6 line 32, col.8 lines 20-54, col.9 line 10-col.11 line 23, col.11 lines 50-67, col.16 line 23-col.17 line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Basso et al* and *Shanumgam et al* for the purpose of associating the mapping policies, customer policies, and network policies in order to determine the specific differential services and QoS treatment required for a particular data stream, because this provides efficient routing of data by servicing users according to the collective policies that apply to them.

b. **Claims 1, 5, 11 and 14** contain limitations that are substantially similar to claim 21 and are therefore rejected under the same basis.

c. **Per claim 2**, *Basso et al* and *Shanumgam et al* teach the system of claim 1, *Shanumgam et al* further teach wherein the customer policy comprises a tunnel group identifier and tunneling mode (col.6 lines 13-32, col.12 lines 3-31 and 44-54, col.13 lines 30-57, col.13 line 66-col.14 line 12).

d. **Claims 12, 20 and 27** are substantially similar to claim 2 and are therefore rejected under the same basis.

e. **Per claim 6**, *Basso et al* and *Shanumgam et al* teach the apparatus of claim 5, *Shanumgam et al* further teach the apparatus further comprising: a user interface that is arranged to receive the customer policy and the mapping policy (Figures 6 and 8-13, col.6 line 65-col.7 line 5).

f. **Per claim 7**, *Basso et al* and *Shanumgam et al* teach the apparatus of claim 5, wherein deployment is such that the interfaces associate with at least one of input roles, output roles and MPLS gateways of customer source and destination host groups (*Basso et al*: paragraphs 0028-0032, 0042; *Shanumgam et al*: col.9 line 34-col.10 line 21).

g. **Per claim 8**, *Basso et al* and *Shanumgam et al* teach the apparatus of claim 5, wherein the policy consumer is further arranged to attach the customer policy to the corresponding MPLS tunnels and deploy the customer policy to interfaces of the attached MPLS tunnels (*Shanumgam et al*: col.6 lines 13-32, col.12 lines 3-31 and 44-54, col.13 lines 30-57, col.13 line 66-col.14 line 12; *Basso et al*: paragraphs 0028-0033, 0042).

h. **Claims 3, 4, 13, 18, and 25** are substantially similar to claims 7 and 8 and are therefore rejected under the same basis.

i. **Per claim 9**, *Basso et al* and *Shanumgam et al* teach the apparatus of claim 5, *Shanumgam et al* further teach the apparatus further comprising a database for storing the device-neutral policy parameters (col.4 line 38-col.5 line 20, col.17 lines 4-45).

j. **Claims 17 and 24** are substantially similar to claim 9 and are therefore rejected under the same basis.

k. **Per claim 10**, *Basso et al* and *Shanumgam et al* teach the apparatus of claim 5, wherein the service application comprises a tunnel group object that is arranged to create the MPLS tunnels by specifying end-point routers and inter-connecting topology (*Basso et al*: paragraphs 0006-0009, 0024, 0026, 0028-0033, 0037-0042; *Shanumgam et al*: col.12 lines 3-32, col.13 line 66-col.14 line 12).

l. **Per claim 15**, *Basso et al* and *Shanumgam et al* teach the article of claim 14, *Shanumgam et al* further teach wherein executing the instructions further results in: generating device neutral information associated with the mapping policy, the network policy and the customer policy (col.4 lines 13-32, col.5 line 21-col.6 line 32, col.8 lines 20-54, col.9 line 10-col.11 line 23, col.11 lines 50-67, col.16 line 23-col.17 line 25; *Basso et al*: paragraphs 0028-0033, 0042).

m. **Claims 16, 22 and 23** are substantially similar to claim 15 and are therefore rejected under the same basis.

n. **Per claim 19**, *Basso et al* and *Shanumgam et al* teach the article of claim 14, *Shanumgam et al* further teach wherein deploying the mapping policy to the network interfaces further comprises issuing new commands to reconfigure a router based on the mapping policy (col.13 line 30-col.14 line 30; *Basso et al*: paragraphs 0026-0030, 0042).

o. **Claim 26** is substantially similar to claim 19 and is therefore rejected under the same basis.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Martin (6,154,776), Antoniou et al (2006/0073835), Haddock et al (6,104,700), Gai et al (6,167,445), Khurana et al (2004/0028054), Mandal et al (6,170,009).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
*Examiner*  
*Art Unit 2141*

*kds*

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER